

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

vs.

CRAIG JOHN CHISHOLM,
Defendant.

MEMORANDUM DECISION AND
ORDER GRANTING MOTION TO
CONTINUE TRIAL AND
EXCLUDING TIME

Case No. 1:10-CR-84 TS


This matter came before the Court on January 24, 2010, for hearing on Defendant's Motion to Continue the trial currently set for January 25, 2010. The Court finds as follows: Counsel was initially appointed in this case but was almost immediately replaced by new counsel. New counsel withdrew and current counsel was reappointed. Therefore, current counsel has only had the case to prepare since his October 8, 2010 reappointment. There has been one prior end-of-justice continuance on the basis that current counsel had only recently obtained the discovery information from prior counsel. Counsel has been diligent in that he has reviewed discovery and conducted on-going negotiations for a resolution of the case. Additional time has been required for negotiations as explained at the hearing.

Counsel is not prepared for trial on January 25, 2011, but will have plea negotiations completed, and if necessary, be prepared for trial by March 22, 2011. To deny the Motion would deny counsel for the Defendant the time necessary for effective preparation for trial, taking into account counsel's diligence. The ends-of-justice served by a continuance to allow counsel time necessary for effective preparation outweighs the interest of the Defendant and the public in a speedy trial. It is therefore

ORDERED that Defendant's Motion to Continue (Docket No. 34) is GRANTED and the time from the date of the Motion through the date of the new trial is excluded from the time in which a trial must commence under 18 U.S.C. §3161(h)(7)(A).

DATED January 26, 2011.

BY THE COURT:



TED STEWART
United States District Judge